

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MARTIN ROBINSON,

Plaintiff,

:

Case No. 2:21-cv-774

- vs -

District Judge Sarah D. Morrison
Magistrate Judge Michael R. Merz

OHIO STATE PATROL LONNIE
BUTLER, et al.,

Defendants.

:

**REPORT AND RECOMMENDATION ON MOTION FOR RELIEF
FROM JUDGMENT**

This case is before the Court on Plaintiff's Motion for Relief from Judgment under Fed.R.Civ.P. 60 (ECF No. 85). In the same document, Plaintiff has appealed to the Sixth Circuit from this Court's judgment of dismissal. The appeal limits this Court's jurisdiction to deal with the Rule 60 motion, but Fed.R.Civ.P. 62.1 preserves our authority to deny the Motion.

The Motion should be denied. In dismissing the case, Judge Morrison found that Plaintiff's refusal to sign the Complaint despite being repeatedly admonished to do so constituted a willful failure to prosecute which warranted dismissal. Plaintiff's Rule 60 motion refers to the attachments to ECF No. 74 as containing his signature. To the contrary, as Judge Morrison recognized, a signature by an attorney-in-fact under a power of attorney is not sufficient to satisfy Fed.R.Civ.P. 11.

Therefore the Motion should be denied.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #

June 3, 2022.

s/ Michael R. Merz
United States Magistrate Judge